

Case No.: 3:21-cv-313

**ORDER FOR REMAND TO
SECOND JUDICIAL DISTRICT
COURT**

12 JAMES ROBERT SMITH, an individual;
13 JAMES ROBERT SMITH, on behalf of J. I. S.,
14 a minor,
15 Plaintiffs,
16 v.
17 LYNN SCHLISKEY, an individual; STATE
18 FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOES I
through X, inclusive,
19 Defendants.

22 The parties, by and through their attorneys of record, hereby stipulate and agree to remand
23 this matter to the Second Judicial District Court of Washoe County, Nevada. On July 26, 2021,
24 Plaintiffs filed a Notice of Voluntary Dismissal Without Prejudice of Defendants State Farm Mutual
25 Automobile Insurance Company Only (the “Notice”). The Notice dismissed Defendant State Farm
26 from the action without prejudice. As Plaintiffs’ second cause of action is only brought against
Defendant State Farm, the second cause of action is now moot.

Therefore, the parties stipulate and agree to dismiss the second cause of action in the

1 Complaint, Violation of NRS 649.370, without prejudice. As a result of the dismissal of State Farm,
2 and Plaintiffs' second cause of action, the basis for removal (federal question jurisdiction) no longer
3 exists. Thus, the parties stipulate and agree that this matter be remanded to the Second Judicial
4 District Court.

5 DATED this 29th day of July, 2021.

6

7 DATED this 29th day of July, 2021.

8 /s/ J. Robert Smith

9 J. Robert Smith (SBN 10992)
10 RSmith@SHJNevada.com
11 Kendra J. Jepsen (SBN 14065)
12 KJepsen@SHJNevada.com
13 SIMONS HALL JOHNSTON PC
14 6490 S. McCarran Blvd., #F-46
15 Reno, Nevada 89509
16 Telephone: (775) 785-0088
17 Facsimile: (775) 785-0087
18 Attorneys for Plaintiffs

/s/ Michael A. Pintar

19 Michael A. Pintar (SBN 3789)
20 Michael.pintar@mccormickbarstow.com
21 McCormick, Barstow, Sheppard, Wayte &
22 Carruth LLP
23 241 Ridge Street, Suite 300
24 Reno, Nevada 89501
25 Telephone: (775) 333-0400
26 Facsimile: (775) 333-0412
27
28 Attorney for Defendants

IT IS SO ORDERED.

DATED: July 30, 2021.


21 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

2 I hereby certify that on this 29th day of July, 2021, a true and correct copy of the
3 **Stipulation and Order for Remand to Second Judicial Court** was served via the United States
4 District Court CM/ECF system on all parties or persons requiring notice.

Michael A. Pintar
McCormick Barstow LLP
241 Ridge St., Ste. 300
Reno, Nevada 89501

DATED this 29th day of July, 2021.

/s/ Kiley P. Rasmussen

Kiley Rasmussen, an employee of
SIMONS HALL JOHNSTON PC

SIMONS HALL JOHNSTON PC
6490 S. McCarran Blvd., Ste. F-46
Reno, NV 89509
Phone: (775) 785-0088